

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
CRIMINAL CASE NO. 2:06-cr-00010-MR-WCM-1**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRUCE LEE RICHARDSON,

Defendant.

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ORDER

THIS MATTER is before the Court upon the Defendant's "Motion for Imposition of a Reduced Sentence Pursuant to Section 403 of the First Step Act" [Doc. 135].

In June 2006, the Defendant pled guilty pursuant to a written plea agreement to two counts of bank robbery by force, violence, and intimidation, in violation of 18 U.S.C. § 2113(a), and two counts of using and carrying a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A)(ii). The Defendant was sentenced to a term of 21 months' imprisonment for each of the bank robbery charges, to be served concurrently, a term of 84 months' imprisonment for the first § 924(c) charge, and a term of 300 months' imprisonment for the second § 924(c) charge, both to be served consecutively to the bank robbery charges, for a total term

of 405 months' imprisonment. [Doc. 50]. The Defendant's conviction and sentence were affirmed on appeal. [Doc. 84].

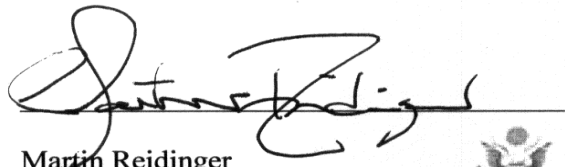
On December 21, 2018, the President signed into law the First Step Act of 2018. Among other things, the First Step Act amended the language of 18 U.S.C. § 924(c)(1)(C) by striking "second or subsequent conviction under this subsection" and inserting "violation of this subsection that occurs after a prior conviction under this subsection has become final." First Step Act of 2018 § 403(a), Pub. L. 115-391, 132 Stat. 5194, 5221-22 (2018). In essence, this amendment eliminates the "stacking" of multiple § 924(c) charges in the same indictment to qualify for the 25-year mandatory minimum for a second or subsequent conviction under § 924(c)(1)(C)(i). It is under this amendment that the Defendant seeks a reduction in his sentence.

Section 403, however, does not apply retroactively. See First Step Act of 2018 § 403(b), 132 Stat. 5222 ("This section, and the amendments made by this section, shall apply to any offense that was committed before the date of enactment of this Act, if a sentence for the offense has not been imposed as of such date of enactment."). Accordingly, the Defendant is not entitled to a reduced sentence under the First Step Act.

IT IS, THEREFORE, ORDERED that the Defendant's "Motion for Imposition of a Reduced Sentence Pursuant to Section 403 of the First Step Act" [Doc. 135] is **DENIED**.

IT IS SO ORDERED.

Signed: July 1, 2019


Martin Reidinger
United States District Judge

